

REMARKS

Claims 1 and 5-16 are pending. Claims 5-7, 9, and 11 are canceled. New claims 17-32 are added. Claim 1 is amended to make minor corrections that further clarify the subject matter.

REJECTIONS UNDER § 102

Claims 1 and 5-16 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,642,343 (Toda et al.). Claims 5-7, 9, and 11 are canceled. Applicant traverses the rejections of claims 1, 8, 10, and 12-16.

Claim 1 recites a “control operation of the position control means is unchanged in a first reproduction in comparison with a time when the test information is recorded and changed in a second reproduction in comparison with a time when the test information is recorded.” Thus, claim 1 specifies that there is a change in the position control means between the first reproduction and the second reproduction.

This operation of the apparatus is demonstrated in the specification at pages 14-16 and FIG. 2, which explains that (1) a tracking servo condition is set to a predetermined condition; (2) a test-write area is erased; (3) a test pattern is recorded on the test-write area; (4) the test pattern is read with the amplitude (defined as V_1) of the reproduced signal measured; (5) the tracking servo condition is changed; (6) the test pattern is read again with the amplitude (defined as V_2) of the reproduced signal measured; (7) the reproduced signals are evaluated; (8) and a recording power is increased to a next level.

In col. 23, lns. 46-65 and FIG. 20, *Toda* describes a trial writing operation in which: “The recorded test pattern is subsequently reproduced (2010, 2011) and evaluated (col. 23, lns. 64-65).” FIG. 20 shows that the detection of “most dense pattern center level (V_1) and most coarse pattern center level (V_2)” are performed together. There is no change in the control operation of the trial writing unit between V_1 and V_2 . Thus, *Toda* fails to teach a change in a “control operation of the position control means” between the “first reproduction” and the “second

reproduction" as required by claim 1.

For at least these reasons, Applicant contends that claims 1, 8, 10, and 12-16, and new claims 17-32 by virtue of their dependency on claim 1, are not anticipated by *Toda* and request allowance of these claims.

CONCLUSION

Applicant respectfully submits that the present application is now in condition for allowance. The Examiner is invited to contact Applicant's representative to discuss any issue that would expedite allowance of this application.

The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

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